

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ABBOTT DIABETES CARE INC. and)	
ABBOTT DIABETES CARE LIMITED,)	
)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 21-1699-KAJ
)	
DEXCOM, INC.,)	
)	
Defendant.)	

**[PROPOSED] ORDER GRANTING DEFENDANT’S DEXCOM, INC.’S
MOTION TO DISMISS UNDER RULE 12(B)(6)**

At Wilmington this ____ day of _____, 202__, having considered Defendant DexCom, Inc.’s (“DexCom”) Motion to Dismiss Under Rule 12(b)(6), the associated briefing and any other materials in the record, IT IS HEREBY ORDERED that the motion is GRANTED. The Court agrees with DexCom that Abbott has failed to state a claim for breach of the implied covenant of good faith and fair dealing, and for declaratory judgment. Accordingly the court **GRANTS** Dexcom’s motion and **DISMISSES** counts II and III of Abbott’s complaint.

SO ORDERED.

Hon. Kent A. Jordan
United States Circuit Judge